

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTIETH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 21516 of 2004

Between:

Venepalli Srinivasa Rao, s/o Late Narasimha Rao,
R/o Indira Nagar Colony, Anantagiri Road, Kodad, Nalgonda

District.

... PETITIONER

AND

- 1 The District Collector, Nalgonda District, Nalgonda.
- 2 The Mandal Revenue Officer, Kodad Mandal, Nalgonda District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, Order or direction more particularly one in the nature of writ of Mandamus, to declare the action of the 2nd respondent in interfering with the possession and enjoyment of the petitioner over the patta land admeasuring Ac.6-82 cents, situated in Sy.No.389/A2, 389/AA3 and 390/A situated at Kodad Revenue Village, Nalgonda District, as illegal , arbitrary, unconstitutional and violative of Articles 21 and 300-A of the Constitution of India and consequently direct the respondents not to interfere with the possession of the petitioner over the above said land.

Counsel for the Petitioner: MR.PALLENAGESWAR RAO

Counsel for the Respondents: GP FOR REVENUE

The Court, at the admission stage, made the following:

ORDER:

Petitioner's challenge in the present writ petition is to the notice dated 01-07-2004 issued to him under Section 6 of the Land Encroachment Act, 1905 (for short 'the Act') stating that he has encroached the Government land admeasuring Ac.14.35 guntas in S.No.145, Kodad Village, Nalgonda, is illegal and arbitrary.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue and both of them have consented to the disposal of the writ petition at the stage of admission itself.

3. The main contention of the learned counsel for petitioner is that the petitioner is the absolute owner and possessor of agricultural land bearing Sy.Nos. 389/A2, 389/AA3 and 390/A admeasuring Ac.6-82 cents situated at Kodad Village, Nalgonda District, and that he has nothing to do with Sy.145. He further submits that he got issued a reply notice dated 20-07-2004 stating that a false notice has been issued without properly verifying the records.

4. Learned Government Pleader, on instructions, submits that petitioner, in the guise of being owner and possessor of the land in Sy.Nos.389/A2, 389/AA3 and 390/A, has encroached into the land in Sy.No.145.

5. Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition with a direction to the respondents not to interfere with the possession of the petitioners land in Sy. Nos.389/A2, 389/AA3 and 390/A. However, if the petitioner is found to be in illegal possession of the land in Survey No.145, situated at Kodad Village, Nalgonda District, they shall take steps for his eviction therefrom, in accordance with law.

The writ petition is accordingly disposed of at the stage of admission.

N. V. RAMANA, J

November 30, 2004

MRR/GSN

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

- 1 The District Collector, Nalgonda District, Nalgonda.
 - 2 The Mandal Revenue Officer, Kodad Mandal, Nalgonda District.
 - 3 Two C.C. s to the G.P. for Revenue, High Court Buildings, Hyderabad
- (OUT)
- 4 Two C.D. Copies.